

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Michael Carwane,

Plaintiff,

vs.

South Carolina Department of Juvenile  
Justice,

Defendant.

Civil Action No. 3:23-cv-143-CMC

**ORDER**

This matter is before the court on Plaintiff's Complaint filed January 11, 2023, alleging employment discrimination and wrongful termination. ECF No. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), D.S.C., the matter was referred to United States Magistrate Judge Shiva V. Hodges for pre-trial proceedings.

Defendant filed a motion to dismiss on April 21, 2023. ECF No. 13. Plaintiff filed a motion for continuance and for an extension of time to file a response to the motion to dismiss (ECF Nos. 17, 18); however, while these were pending, he filed a substantive response to the motion to dismiss (ECF No. 21). Defendant filed a reply. ECF No. 22. On June 6, 2023, the Magistrate Judge issued a Report and Recommendation ("Report") recommending Defendant's motion to dismiss be granted and this matter be dismissed without prejudice. ECF No. 24. The Report also recommended denying as moot Plaintiff's motions for continuance and extension of time, and denying without prejudice Defendant's request for attorney's fees, contained within its motion to dismiss. *Id.* The Magistrate Judge advised the parties of the procedures and requirements for filing objections to the Report and the serious consequences if they failed to do so. No party has filed objections, and the time to do so has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”) (citation omitted).

After a review of the record, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court finds no clear error, and agrees this matter should be dismissed. Accordingly, the court adopts the Report by reference in this Order. Defendant’s motion to dismiss (ECF No. 13) is granted, and this matter is dismissed without prejudice. Defendant’s request for attorney’s fees and costs within the motion to dismiss is denied without prejudice to filing a proper motion. Plaintiff’s motion for continuance (ECF No. 17) and for extension of time (ECF No. 18) are dismissed as moot.

**IT IS SO ORDERED.**

s/Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
Senior United States District Judge

Columbia, South Carolina  
June 28, 2023